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No. 2

Senate

The Senate met at 10 a.m., and was called to order by the Honorable DAN COATS, a Senator from the State of Indiana.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge him, and he shall direct thy paths.—Proverbs 3:5, 6.

Mighty God who knoweth all things, Thou knowest the future of the 104th Congress in microscopic detail. Infuse the minds and hearts of the Senators with the reality that You have a perfect plan for the days that lie ahead. Help them to take this seriously, that they may walk and work in the light of God's direction. Grant them grace to follow the wisdom of Solomon, the wisest man who ever lived, that they may trust in the Lord with all their heart, that they may acknowledge Him in all their ways, and be guided through the milieu of legislation with all its difficulties, its pressures, its conflicts. Give them the confidence in God which guided our Founding Fathers through all the complications of revolution and the establishment of a new nation.

Thy will be done in this place as it is in Heaven.

In the name of Him who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 5, 1995.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAN COATS, a Senator from the State of Indiana, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. COATS thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10:15 a.m. is reserved for the two leaders.

Mr. COCHRAN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, for the information of Senators, after the leader time, which will expire at 10:15 this morning, the Senate will resume consideration of Senate Resolution 14, the committee ratio resolution.

There is pending the Harkin amendment to the cloture rule on that resolution. Under a previous unanimous-consent agreement, the time for debate on the Harkin amendment is divided as follows: 30 minutes under the control of Senator BYRD; 45 minutes under the control of Senator HARKIN.

Following the debate time at 11:30 this morning, the majority leader or his designee will make a motion to table the Harkin amendment.

Therefore, all Senators should be aware that there will be a 15-minute rollcall vote at 11:30 this morning on the motion to table the Harkin amendment.

If the Harkin amendment is tabled, the Senate will immediately adopt the underlying resolution and begin consideration of S. 2, the congressional coverage bill. Senators should also be on notice that amendments are possible to S. 2. Therefore, additional rollcall votes are possible throughout the day.

Also, it is the intention of the leadership to try to complete action on S. 2 this week.

MAKING MAJORITY PARTY APPOINTMENTS TO THE GOVERNMENTAL AFFAIRS COMMITTEE

Mr. COCHRAN. Mr. President, I send a resolution to the desk which has been cleared by both sides.

The ACTING PRESIDENT pro tempore. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 26) making majority party appointments to the Governmental Affairs Committee for the 104th Congress.

Mr. COCHRAN. Mr. President, I know of no controversy surrounding the resolution.

The ACTING PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 26) was agreed to as follows:

Resolved, That the following shall constitute the majority party's membership on the following standing committee for the 104th Congress, or until their successors are chosen:

Committee on Governmental Affairs: Mr. Roth, Mr. Stevens, Mr. Cohen, Mr. Thompson, Mr. Cochran, Mr. Grassley, Mr. McCain, and Mr. Smith.

Mr. COCHRAN. Mr. President, for clarification and explanation to the Senate, the resolution will permit the Governmental Affairs Committee, which is conducting a hearing this morning on the unfunded mandates legislation to proceed with that hearing while the Senate is in session. We hope that hearing will enable us to bring that legislation to the floor as soon as possible after the disposition of the congressional coverage bill, which we discussed earlier in the announcement.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Mr. President, I reserve the remainder of the leader time.

Mr. HEFLIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. HEFLIN. I thank the Chair.

(The remarks of Mr. HEFLIN pertaining to the introduction of Senate Joint Resolution 13 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE DEATH OF DR. ARCHIE H. CARMICHAEL

Mr. HEFLIN. Mr. President, I rise for a point of personal privilege to lament the death yesterday of Dr. Archie H. Carmichael III, of Tusculum, Sheffield, and Muscle Shoals, AL. He was a very distinguished physician. He was an internist. Dr. Carmichael graduated from Vanderbilt Medical School and practiced for many years in the Shoals area of Alabama. His grandfather, Archie H. Carmichael, served as a Member of Congress. He comes from a very distinguished family in Alabama. It is sad that he has passed away.

At some later date, I will have more to say about Dr. Carmichael.

Mr. COCHRAN addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Mississippi.

COMMENDING SENATOR HEFLIN

Mr. COCHRAN. Mr. President, first let me commend the distinguished Senator from Alabama for his introduction of the resolution on the subject of a constitutional amendment to balance the budget.

As the Senator knows, it has been an item of high priority in terms of planning for the legislative agenda for this new session of Congress. It is one of the three legislative measures that we hope to call up at the earliest time on the calendar for the attention of the Senate, for debate and for action.

We welcome, commend, and appreciate the support of the Senator from Alabama for this initiative. He has worked for many years on this subject and in a very effective and constructive way.

BILLS CONSIDERED READ A SECOND TIME

Mr. COCHRAN. Mr. President, I ask unanimous consent that all bills read a first time on January 4, 1995, be considered to have had their second reading and that objection to further proceedings thereon have been made.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDING PARAGRAPH 2 OF RULE XXV

Mr. HEFLIN. Mr. President, I will be at committee hearings on the balanced budget amendment shortly, but I would like to oppose the Harkin amendment. It is my judgment that the rules have been effective over the years and I do not feel that we ought to change the rules pertaining to cloture and the right of extended debate.

We sometimes have different alignments pertaining to membership relative to our parties and therefore Senate rules affect us. The rule regarding the right to extended debate can be a two-edge sword at times, and I do not believe it should be changed.

But, in my judgment, the Senate is a deliberative body and the Senate ought not just be a smaller House of Representatives. I think that the present rules are operating effectively. I add my voice to those that are advocating that we continue with the present rule that we have.

I yield the floor.

AMENDING PARAGRAPH 2 OF RULE XXV

The PRESIDENT pro tempore. Under the previous order, the hour of 10:15 a.m. having arrived, the Senate will now resume consideration of Senate Resolution 14, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 14) amending paragraph 2 of rule XXV.

The Senate proceeded to consider the resolution.

Pending: Harkin amendment No. 1, to amend the Standing Rules of the Senate to permit cloture to be invoked by a decreasing majority vote of Senators down to a majority of all Senators duly chosen and sworn.

AMENDMENT NO. 1

The PRESIDENT pro tempore. The time on the Harkin amendment shall be divided, with 30 minutes under the control of the Senator from West Virginia [Mr. BYRD] and 45 minutes under the control of the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. Mr. President, parliamentary inquiry. I understand we are under a time limit. Could the Chair inform the Senator what the time elements are right now that we are under?

The PRESIDENT pro tempore. The time on the Harkin amendment shall be divided, with 30 minutes under the control of the Senator from West Virginia [Mr. BYRD] and 45 minutes under the control of the Senator from Iowa [Mr. HARKIN].

Mr. HARKIN. I thank the Chair.

Mr. President, continuing the debate we had last night and to inform Sen-

ators who may not have been here and who were attending receptions for newly elected Senators, et cetera, I understand that, but let me bring Senators and their staffs up to date as to where we are.

At 11:30 today, if I am not mistaken, we will have a vote, I understand a tabling motion, made by the majority leader to table the amendment that Senator LIEBERMAN, Senator ROBB, Senator PELL, and I offered yesterday to change the cloture rule, rule XXII. Our amendment would change rule XXII to provide for a new procedure for ending filibusters in the U.S. Senate.

We did not throw out the filibuster completely, but our amendment makes a very modest approach toward ending the gridlock that has gripped this place over the last several years and is increasing in intensity in gridlock in this place.

But our proposal says—and let me make it very clear what our proposal or our amendment says—that on the first cloture vote you need 60 votes to end debate. Then, if you do not get the 60 votes, you can file another cloture motion. You have to wait 2 more days, you have another vote. Then you need 57 votes to end cloture. If you do not get it, you can file another cloture motion—again you need the 16 signatures to do that—wait 2 more days and then you get another vote and then you need 54 votes to end debate. If you do not get that, you can file one more cloture motion, wait 2 more days, and then you need 51 votes to get cloture and move to the merits of a bill.

Utilizing the different steps along the way, this would provide that, to get to the merits of a bill, a determined minority of the Senate who wanted to filibuster could slow it down for 19 days, 19 legislative days, which would be about a month. That is just getting to the bill.

There are other hurdles as a bill goes through the Senate. In fact there are six. There is the motion to proceed, there is the bill itself, there is the appointment of conferees, insisting on Senate amendments, disagreeing with the House, and then there is the conference report. So there are a minimum of six hurdles. That is not counting amendments.

Of course, when a bill comes to the floor someone could offer an amendment and that amendment can be filibustered. All we are saying is that in that first initial time you need 19 days. If you added up all the hurdles under our proposal you could slow a bill down for a minimum of 57 days, 57 legislative days. That would translate into about 3 months. So it is a modest proposal. We are not saying get rid of the filibuster, but we are saying at some point in time a majority of the Senate ought to be able to end debate and get to the merits of the legislation.

A distinguished group of American independents, Republicans and Democrats, formed a group called "Action Not Gridlock." Former Senator Mac